

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOHN G. O'DONNELL, II, Trustee
of the J. O'Donnell Trust,

No. 3:19-cv-00579-SB

Plaintiff, ORDER

v.

VIAL FOTHERINGHAM LLP, an
Oregon Limited Liability Partnership,

Defendant.

HERNÁNDEZ, District Judge:

Magistrate Judge Stacie Beckerman issued a Findings and Recommendation on September 15, 2020, in which she recommends that this Court grant in part Plaintiff's Motion for Summary Judgment and grant in part Defendant's Motion for Summary Judgment. F&R, ECF 52. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Defendant filed timely objections to the Magistrate Judge's Findings & Recommendation. Def. Obj., ECF 54. When any party objects to any portion of the Magistrate Judge's Findings & Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

The Court has carefully considered Defendant's objections and concludes that there is no basis to modify the Findings & Recommendation. The Court has also reviewed the pertinent portions of the record *de novo* and finds no error in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Beckerman's Findings and Recommendation [50] [52]. Therefore, Defendant's Motion for Summary Judgment [29] is GRANTED IN PART and DENIED IN PART. Plaintiff's Motion for Partial Summary Judgment [32] is GRANTED IN PART and DENIED IN PART.

IT IS SO ORDERED.

DATED: February 22, 2021.


MARCO A. HERNÁNDEZ
United States District Judge